

Notice of Agency Rulemaking Proposal

AGENCY: Department of Health and Human Services Maine Center for Disease Control and Prevention;
Department of Education

CHAPTER NUMBER AND TITLE: 10-144 CMR, Chapter 261: Immunization Requirements For School Children (DHHS) / 05-071 CMR, Chapter 126: Immunization Requirements For School Children (DOE)

TYPE OF RULE (*check one*): ☒ Routine Technical ☐ Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*): 2021-P116, P117

BRIEF SUMMARY: The Department of Health and Human Services - Maine Center for Disease Control and Prevention (DHHS) and the Maine Department of Education (DOE) are jointly proposing these routine technical rule changes to implement P. L. 2019, Ch. 154: *An Act to Protect Maine Children and Students from Preventable Disease by Repealing Certain Exemptions from the Laws Governing Immunization Requirements* (the “Act”). The Act prohibits the rule from including any provision governing medical exemptions and repeals the exemption from required immunization for school students who object, based solely on a sincere religious belief or philosophical reason, effective September 1, 2021, with exemptions for certain students. Those students who may have declined immunizations based on religious or philosophical objection and are otherwise not eligible for exemptions permitted under Maine’s immunization laws, including those attending elementary or secondary schools for pre-kindergarten instruction, will be subject to current immunization requirements for the certain specified diseases. This rule proposes to require schools to include in their annual report any stricter immunization requirements that may be adopted by ordinance or policy, in addition to the immunization status of all students, including immune students, exempt and non-immunized excluded students. Additionally, these proposed rule changes include new and revised definitions; add a vaccine schedule for pre-kindergarten students; clarify existing authority and responsibility to dismiss or exclude a child from school when there is a public health threat (20-A MRS § 6301; 22 MRS ch. 250); and clarify superintendent and school authority and responsibility related to recordkeeping and attendance tracking for those students exempt from immunization requirements. Finally, changes are proposed to the format of the rule for conformity with Maine CDC rulemaking standards.

Date, time and location of PUBLIC HEARING (*if any*): Virtual Public Hearing on July 26, 2021 at 9:00 am

<https://mainestate.zoom.us/j/86404327981?pwd=TXdOalFzT1YyakJVdlZTTXdRNEVKZz09>

Meeting ID: 864 0432 7981

Passcode: XeNRq!D2

Hearings may be conducted virtually until July 30, 2021, in accordance with 1 MRS §403-A (C)(PL 2020 c. 617).

COMMENT DEADLINE: August 5, 2021 at 5:00 pm

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*):

DHHS-Maine CDC: Bridget Bagley; 286 Water Street, 11 State House Station, Augusta, ME, 04333-0011; Tel: 207-287-4490 or 711; Fax: 287-2887; bridget.bagley@maine.gov

DOE: Jaci Holmes, State House Station #23, Augusta, Maine 04333; 207-831-3168; jaci.holmes@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*):

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 20-A M.R.S. §6358(1); 22 M.R.S. §806

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): PL 2019, c. 154

AGENCY WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/>